

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 4440-20
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/551,696</b>
INTERNATIONAL APPLICATION NO. <b>PCT/IB2004/000970</b>	INTERNATIONAL FILING DATE <b>31 March 2004</b>	PRIORITY DATE CLAIMED <b>31 March 2003</b>
<b>TITLE OF INVENTION</b> <b>PLANTS HAVING IMPROVED GROWTH CHARACTERISTICS AND A METHOD FOR MAKING THE SAME</b>		
APPLICANT(S) FOR DO/EO/US <b>HORVATH ET AL.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The U.S. has been elected (Article 31).</p> <p>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto (      pages specification, claims &amp; abstract (      claims),      sheets drawings).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> is attached hereto (      pages specification, claims &amp; abstract (      claims),      sheets drawings,      page Certificate of Translation).</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has <b>NOT</b> expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. a. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>b. <input type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (      page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<b>Items 11 To 20 below concern document(s) or information included:</b>		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</p> <p>13. a. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>b. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. § 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information. Copy of Notification of Missing Requirements; Submission &amp; copies of references listed on PTO-1449 Form filed 9/30/2005 and in International Search Report</p>		

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/551,696</b>		INTERNATIONAL APPLICATION NO. <b>PCT/IB2004/000970</b>		ATTORNEY'S DOCKET NUMBER <b>4440-20</b>	
<input checked="" type="checkbox"/> The following fees are submitted:					
<b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b>					
21. <input type="checkbox"/> Basic national fee ..... \$300.00 (1631)/\$150.00 (2631) \$					
22. <input type="checkbox"/> Examination Fee..... \$0 (1643/2643) \$					
23. <input type="checkbox"/> Search Fee ..... \$200.00 (1633)/\$100.00 (2633) \$					
..... \$100 (1641)/\$50 (2641) \$					
..... \$400 (1642)/\$200 (2642) \$					
..... \$500.00 (1632)/\$250.00 (2632) \$					
<b>TOTAL OF ABOVE CALCULATIONS</b> \$ <b>0.00</b>					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
0 -100	0 /50 =	0.00		\$0.00 (1681)	
\$0.00 (2681)					
Surcharge of \$130.00 (1617)/\$65.00 (2617) for furnishing the oath or declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).					
CLAIMS	NUMBER FILED	# EXTRA	RATE		
Total Claims	minus 20 =	0 X	\$50.00 (1615)/	\$25.00 (2615)	\$
Independent Claims	minus 3 =	0 X	\$200.00 (1614)	\$100.00 (2614)	\$
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$360.00 (1616)/\$180.00 (2616) \$ 0.00		
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$ 0.00					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.					
Processing fee of \$130.00 (1618), for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)). + \$ 0.00					
<b>TOTAL NATIONAL FEE =</b> \$ <b>0.00</b>					
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 (8021) per property + \$ 40.00					
Fee for Petition to Revive Unintentionally Abandoned Application; \$1500.00 (1453) / \$750.00 (2453) \$ 0.00					
<b>TOTAL FEES ENCLOSED =</b> \$ <b>40.00</b>					
Amount to be refunded: \$					
Amount to be Charged: \$					

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- a.  A check in the amount of \$40.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 14-1140 in the amount of \$\_\_\_\_\_ to cover the above fees.  
A duplicate copy of this form is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.
- d.  **CREDIT CARD PAYMENT FORM ATTACHED.**
- e.  The entire content of International Application No. PCT/IB2004/000970 and any U.S. and foreign application(s) corresponding thereto, and EP 03290812.1, referred to in this application is/are hereby incorporated by reference in this application.

**NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.**

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:

Customer Number:

**23117**

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BJS:pp

/B. J. Sadoff/

B. J. Sadoff

NAME

**36,663**

August 8, 2006

REGISTRATION NUMBER

Date